

# Milbank

**DAVID R. GELFAND**

*Partner*

55 Hudson Yards | New York, NY 10001-2163

T: 212.530.5520

dgelfand@milbank.com | milbank.com

September 4, 2019

**VIA ECF**

The Honorable Naomi Reice Buchwald  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Re: Notification Pursuant to Rule 1.12 of the New York Rules of Professional Conduct; In re Libor-Based Financial Instruments Antitrust Litigation,  
No. 1:11-md-02262 (NRB)

Dear Judge Buchwald:

Milbank LLP (“Milbank”) is counsel to Coöperatieve Rabobank U.A. (f/k/a Coöperatieve Centrale Raiffeisen-Boerenleenbank B.A.) in the above-captioned matter (the “Screened Matter”) which is pending before the Court. I am writing this letter to provide notice pursuant to Rule 1.12 of the New York Rules of Professional Conduct (“Rule 1.12”) in connection with our hire of Benjamin Schak.

Benjamin Schak, one of your former law clerks, joined Milbank on September 3, 2019 as an associate in the firm’s New York office. We understand that Mr. Schak was involved in the Screened Matter during his clerkship. Accordingly, I am writing pursuant to Rule 1.12, which (i) bars a former law clerk from representing a client in connection with a matter in which he or she participated personally and substantially while clerking, and (ii) describes notification and screening requirements that must be put in place to ensure that the former law clerk does not share information regarding the matter with others at the firm. This letter sets forth Milbank’s compliance with the requirements of Rule 1.12.

MILBANK LLP

NEW YORK | LOS ANGELES | WASHINGTON, D.C. | SÃO PAULO | FRANKFURT  
LONDON | MUNICH | BEIJING | HONG KONG | SEOUL | SINGAPORE | TOKYO

The Honorable Naomi Reice Buchwald  
September 4, 2019

Page 2

Matter: 1. Milbank has taken the following steps to screen Mr. Schak from the Screened

- a. Our Conflicts Department and Risk Management Committee distributed a memorandum to all legal personnel who are working on the Screened Matter instructing them that they are not to discuss this matter with Mr. Schak or allow him access to documents concerning the Screened Matter.
- b. Our Conflicts Department and Risk Management Committee distributed a memorandum to Mr. Schak instructing him that he is not to participate in any aspect of the Screened Matter, discuss it with any legal personnel working on it or review any documents relating to it.
- c. Our Conflicts Department and Records Department have been instructed that they are not to allow Mr. Schak access to any files relating to the Screened Matter and have been instructed to construct electronic security to prevent Mr. Schak from access to electronic documents related to the Screened Matter.

2. As Mr. Schak is a salaried employee, he will not share in any fees attributable to our work on the Screened Matter.

If the Court requires any additional information concerning this matter, please let me know, and we will be happy to provide it.

Respectfully submitted,

/s/ David R. Gelfand  
David R. Gelfand

cc: Counsel of Record (via ECF)